

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

October 8, 2008

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No. 08-40894  
Summary Calendar

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Charles R. Fulbruge III  
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

WALTER FERNANDO VELASQUEZ

Defendant-Appellant

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 4:08-CR-107-9  
USDC No. 4:08-MJ-458-1

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Before HIGGINBOTHAM, BARKSDALE, and ELROD, Circuit Judges.

PER CURIAM:\*

Walter Fernando Velasquez is charged with conspiracy to manufacture or distribute or possess with intent to distribute narcotics. Velasquez appeals from an order of the district court that revoked the magistrate judge's pretrial order granting release on bond.

The district court revoked the magistrate judge's order, determining that Velasquez had failed to rebut the presumption that no condition or combination

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

of conditions will reasonably assure Velasquez's presence at trial or the safety of the community if Velasquez is released. 18 U.S.C. § 3142(e) & (f). We review the order issued by the district court, not that of the magistrate judge. *United States v. Westbrook*, 780 F.2d 1185, 1188 n.4 (5th Cir. 1986). Absent an error of law, we will uphold a district court's pretrial detention order if it is supported by the proceedings below. *United States v. Rueben*, 974 F.2d 580, 585 (5th Cir. 1992). Analysis of the factors set forth in § 3142(g) indicates that the district court's conclusions are supported by the record. See *id.* at 586; see also *United States v. Fortna*, 769 F.2d 243, 249 (5th Cir. 1985). The pretrial detention order is AFFIRMED.